

86395.TXT

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x  
4 SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB,  
BLERTA VIKKI, DANIELLE OWIMRIN, on  
behalf of themselves and all others  
similarly situated,

5 Plaintiffs,  
6 - against -  
7

8 SCORES HOLDING COMPANY, INC., GO WEST  
ENTERTAINMENT, INC., a/k/a SCORES WEST  
SIDE; and SCORES ENTERTAINMENT, INC.,  
9 a/k/a SCORES EAST SIDE,

10 Defendants.  
11 Case No. 07 Civ. 8718 (RMB)  
12 -----x

13 200 Park Avenue  
New York, New York

14 January 8, 2008  
15 10:25 a.m.

16

17 Deposition of CAROLYN J. SIEGEL,  
18 before Marlene Lee, CSR, CRR, a Notary Public  
19 of the State of New York.

20

21

22

23 ELLEN GRAUER COURT REPORTING CO. LLC  
126 East 56th Street, Fifth Floor  
24 New York, New York 10022  
212-750-6434  
25 REF: 86395

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1 A P P E A R A N C E S:

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1 ----- I N D E X -----  
2 WITNESS EXAMINATION BY PAGE  
3 CAROLYN J. SIEGEL MR. CAPOBIANCO 4  
4

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6 ----- E X H I B I T S -----  
7 SIEGEL DESCRIPTION PAGE  
8 EXHIBIT 1 CALENDAR 6  
9 EXHIBIT 2 DOCUMENT 20  
10 EXHIBIT 3 APPLICATION 31  
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13 EXHIBIT 6 DOCUMENT, W-4 FORM 54  
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15 SEXUAL MISCONDUCT  
16 EXHIBIT 8 DOCUMENT, DIAMOND DOLLAR 68  
17 EXHIBIT 9 DOCUMENT, PHOTOCOPY OF 77  
18 PAY STUBS  
19  
20 (EXHIBITS RETAINED BY COUNSEL)  
21  
22  
23  
24  
25

□ 4

1 C A R O L Y N J. S I E G E L ,  
2 having been called as a witness and duly  
3 sworn by the notary (Marlene Lee), was  
4 examined and testified as follows:  
5 EXAMINATION BY  
6 MR. CAPOBIANCO:  
7 Q. Good morning, Ms. Siegel. My name

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2 informed of that?

3 A. I don't.

4 Q. Do you remember when your first  
5 night of work was?

6 A. Yes. It was a Wednesday. The  
7 beginning of May. I don't know the date.

8 Q. If you look at Siegel Exhibit 1,  
9 does that help you identify what day it was?

10 A. Yes, it does.

11 Q. What day was it?

12 A. Wednesday, May 2nd.

13 Q. What happened -- who told you what  
14 time you were supposed to come to work?

15 A. I don't remember.

16 Q. Do you remember seeing a schedule?

17 A. No.

18 Q. Do you remember seeing a schedule  
19 at any point that you were there?

20 A. No.

21 Q. How did you generally know when you  
22 were supposed to go to work next?

23 A. I know I got my schedule from Gus.  
24 I don't remember if it was over the phone or in  
25 person.

□

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1 SIEGEL

2 Q. So at some point Gus told you  
3 verbally when to come in?

4 A. Yes.

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5 Q. When you were in any of the  
6 non-customer areas of the club, did you ever  
7 notice any postings on the wall?

8 A. No. Actually, to amend that, yes.

9 The dancer dressing room had a poster that I  
10 noticed.

11 Q. Of what?

12 A. Of the stage fees.

13 Q. Anything else?

14 A. Not that I recall.

15 Q. I'd like to show you --

16 MR. CAPOBIANCO: I'd like to have  
17 this marked as Siegel Exhibit 4.

18 (Siegel Exhibit 4 for  
19 identification, document.)

20 Q. With respect to Siegel Exhibit 4,  
21 did you ever notice while you were working at  
22 Go West that this document was posted on any  
23 wall in any of the non-customer areas of the  
24 club?

25 A. No.

□

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1 SIEGEL

2 Q. Did you come to have an  
3 understanding that you would be making 4.60 per  
4 hour plus tips?

5 A. Yes.

6 Q. When did you arrive at that  
7 understanding?

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8 A. I don't remember.

9 Q. Do you remember how you came to  
10 understand that?

11 A. I think it was just an assumption  
12 that I made.

13 Q. An assumption based on what?

14 A. Based on previous employment.

15 Q. So your first day of employment was  
16 May 2nd.

17 A. Yes.

18 Q. What happened on May 2nd when you  
19 appeared at the club? Well, let me ask you  
20 this. Did you come in what you called your  
21 uniform?

22 A. No.

23 Q. You did not?

24 A. No.

25 Q. Did you bring it with you?

□

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1 SIEGEL

2 A. Yes.

3 Q. So you came in street clothes and  
4 changed into it in -- where?

5 A. In the women's bathroom.

6 Q. In the women's bathroom. Okay.

7 Did you clock in on that occasion?

8 A. Yes.

9 Q. Is that the first time that you  
10 clocked in?

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20 Q. Did Gus also tell you there was a  
21 black outfit that they would provide you with?

22 A. I don't remember.

23 Q. This black outfit that you were  
24 required to wear, did you ever wear it outside  
25 of work?

□

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1 SIEGEL

2 A. No.

3 Q. Did you ever wear it to or from  
4 work?

5 A. No.

6 Q. Did you pay for it?

7 A. No.

8 Q. Do you still have it?

9 A. No.

10 Q. What did you do with it?

11 A. I returned it to the establishment  
12 upon leaving.

13 Q. On the day you left?

14 A. Yes.

15 Q. Is the work outfit that you were  
16 given something that you felt you could wear  
17 outside of the establishment?

18 A. No.

19 Q. Why not?

20 A. It was too revealing.

21 Q. Too revealing for your personal  
22 taste?

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22 were working for Go West?

23 A. Yes.

24 Q. In what form were the tips you  
25 received?

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1 SIEGEL

2 A. They were in three different forms.

3 Q. What were those three different  
4 forms?

5 A. Cash, credit card -- which would  
6 come in a paycheck, and diamond dollars.

7 Q. Tell me about the diamond dollars.

8 A. What would you like to know about  
9 them?

10 Q. Well, first of all, how many did  
11 you receive?

12 A. I received three bills which  
13 amounted to \$60.

14 Q. Three bills, \$60 in diamond  
15 dollars?

16 A. So they were in \$20 increments.

17 Q. And who did you receive them from?

18 A. One I received personally from a  
19 customer. And then the others I believe, if I  
20 remember, were acquired through the tip-sharing  
21 process. They'd been given to another waitress  
22 I was working with.

23 Q. What was your process at the end of  
24 the evening for accounting for tips?

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5 tips. You reported to the host how much you  
6 had, as did the other waitresses, presumably,  
7 and the bartenders?

8 A. Yes.

9 Q. Did you notice if the host was  
10 writing these numbers down?

11 A. He was.

12 Q. And then you said the host told you  
13 how much to give the busers and the bartenders.

14 A. Yes.

15 Q. And how much was it? Was it a  
16 fixed percent of what you took in? Or was it a  
17 variable amount? Or did you --

18 A. I think it was a fixed percent.

19 Q. Do you know what that was?

20 A. Twenty percent to the bartenders,  
21 and 10 percent to the busers.

22 Q. You said 20 percent to the  
23 bartenders and -- how much to the busers?

24 A. Ten percent.

25 Q. Did you ever attempt to exchange a

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1 SIEGEL

2 diamond dollar?

3 A. Yes.

4 Q. Tell me about that.

5 A. I started my shift, and I asked, if  
6 I remember -- I think it was a waitress -- how  
7 we exchange them. And she said listen for the

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8 announcement from the DJ. And at the end of  
9 the night I hadn't heard it. And so I asked a  
10 host -- I don't know if it was that same night  
11 or the next time I went in. And he said, "Oh,  
12 it can only be done at that specific time of  
13 the night. You have to listen for the  
14 announcement," which, again, I never heard.

15 And on a third occasion, I asked --  
16 I believe it was another host. And he said,  
17 "You have to wait for the announcement." And  
18 again, I was unable to exchange them.

19 Q. In the tip-counting process, did  
20 you ever see anyone give in diamond dollars at  
21 that point?

22 A. No.

23 Q. So do I understand correctly you  
24 asked three different people, two hosts and one  
25 waitress, how you exchange diamond dollars, and

□

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1 SIEGEL

2 they all said you have to wait for an  
3 announcement by the DJ?

4 A. Yes.

5 Q. And you never heard an  
6 announcement?

7 A. No.

8 Q. Did you ever ask anyone else?

9 A. Yes. After I had left and went  
10 back to pick up a paycheck, I asked if I could

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5 A. No.

6 Q. When you worked for Scores, did you  
7 get to know any of the dancers?

8 A. No.

9 Q. Have you sent any e-mails to any  
10 current or former employees of Scores?

11 A. No.

12 Q. Have you received any such e-mails?

13 A. No.

14 Q. Why did you bring this lawsuit?

15 A. I don't think it's fair that people  
16 aren't compensated for their work.

17 Q. Well, you were provided with some  
18 compensation for your work; right?

19 A. Fully compensated.

20 Q. What would be your definition of  
21 full compensation?

22 A. To the extent that the law sets out  
23 and the full amount of gratuities that are  
24 given by customers.

25 Q. So do I understand you to say that

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1 SIEGEL

2 you objected to the tip-sharing?

3 A. That's not exactly fair to say.

4 Q. What would you -- explain to me  
5 what -- how your pay, your compensation from Go  
6 West differed from what you would consider full  
7 compensation for your work.

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8           A.     Well, the number of hours that I  
9     worked that I wasn't paid for, including  
10    training days, as well as their failure to  
11    allow me to exchange diamond dollars.

12           Q.     Anything else?

13           A.     Can you repeat the main question?

14           Q.     Sure. How is it that you feel that  
15    the compensation you received from Go West  
16    differed from what you would consider full  
17    compensation for your work?

18           A.     Oh. Also that I had to provide  
19    elements of what they required me to wear as a  
20    uniform.

21           Q.     That you had to provide elements?

22           A.     Yes.

23           Q.     What elements are those?

24           A.     They required me to wear tights and  
25    boots which, had I not owned, I would have had

□

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1                         SIEGEL  
2    to purchase. And there were also theme nights  
3    that required additional clothing.

4           Q.     Did you work any of those theme  
5    nights?

6           A.     I did.

7           Q.     What theme night did you work?

8           A.     I worked the American Beauties  
9    promotion --

10          Q.     Okay.

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10 other than what's recorded as a deduction and  
11 reimbursement here on this document?

12 A. Not that I know of, but it could  
13 have happened without my knowledge.

14 Q. Well, what could have happened  
15 without your knowledge?

16 A. I didn't know the total credit card  
17 tip number. I only know what came in my  
18 paycheck. So anything is possible.

19 Q. Any other aspect of what you don't  
20 know that could have resulted in a deduction  
21 from your wage?

22 A. I don't understand your question.

23 Q. You gave me an example of something  
24 that you don't know but could have resulted in  
25 a deduction from your wage.

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1 SIEGEL

2 A. Yes.

3 Q. I'm asking if there's any other  
4 theoretical possibility you have that something  
5 was improperly deducted from your wages.

6 A. Well, had I cashed in diamond  
7 dollars, there would have been deductions.

8 Q. How do you know that?

9 A. It was what two different people  
10 said.

11 Q. And who were they?

12 A. One was a waitress and one was a  
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13 bus boy.

14 Q. And what did they tell you?

15 A. They said that 10 percent was taken  
16 off the top by the club. And then taxes were  
17 also taken out.

18 Q. So did you understand that when you  
19 cashed in diamond dollars, you would be  
20 receiving cash right then and there?

21 A. That was my understanding.

22 Q. Did you ever work at any other  
23 clubs that have the Scores name?

24 A. No.

25 Q. Do you have any knowledge of the

□

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1 SIEGEL

2 practices at the other clubs that used the  
3 Scores name?

4 A. No.

5 Q. Who would you consider to be your  
6 supervisors when you worked at Go West?

7 A. Gus and Spiro.

8 Q. Gus and Spiro. Anyone else?

9 A. Not that I can recall.

10 Q. Did you take instructions or  
11 receive instructions on how to do your job from  
12 anyone else?

13 A. What kind of instructions?

14 Q. Any type of instruction.

15 Work-related instruction.